

AT A WORK SESSION OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, JANUARY 25, 2021 AT 4:30 P.M.

BOARD MEMBERS PRESENT: D. E. LYONS
R. W. DAY
A.J. "JAY" LEWIS, II.
L.E. AYERS (virtually)
D.B. MCDANIEL

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lyons called the Work Session to order.

Administrative Assistant to the County Administrator Brandy Whitten conducted a roll call of the Board members. Supervisors Lewis, Day, McDaniel, and Lyons attended in-person, while Supervisors Ayers attended virtually.

Chairman Lyons advised of the following announcements:

"While the room will be open to the public, due to the size of the meeting room and social distancing requirements, no more than 10 attendees in addition to County staff will be allowed into the room at one time. Per the Governor of the Commonwealth of Virginia Executive Order 63, all persons over the age of five, that do not have a precluding medical condition, are asked to wear a face covering.

Health Insurance Update:

County Administrator Spencer Suter advised that the Board had reviewed health insurance options last Spring to include the self-funded path. He noted that the Board ultimately decided to remain with Local Choice but asked to revisit the self-funded option this year. Mr. Suter introduced Jim Gordon and Kelly Hubbard of One Digital who participated virtually. He then handed the floor over to Mr. Gordon for further review.

Mr. Gordon provided an overview of their findings when going out to the market to independent carriers for self-insured health insurance. He shared that those independent carriers included Anthem, Cigna, United Healthcare, and Optima. Mr. Gordon explained that the carriers were narrowed down and then provided a comparison chart of coverage costs between Local Choice, Anthem, and Cigna. He noted that, based on claim data, it was expected to see a 9% increase for Local Choice this coming renewal; however, the pool remained running really well as it had over the past three (3) years. Mr. Gordon shared that going self-funded would allow the County to take advantage of the savings that have been left on the table over the past few years.

Supervisor Day asked how much money was being left on the table.

Mr. Gordon replied, that it would be really hard to find actual numbers but with the pool size as it is, potentially around 15-20% of the premium.

Chairman Lyons asked if all the doctors and hospitals in the area are in network.

Mr. Gordon replied, Anthem would have the exact same providers as the County currently has through Local Choice and Cigna could be the same but would need to do a match of the providers should the Board decide to look further into going with them.

Supervisor Lewis noted that the personnel committee did a comparison and found there were not many gaps.

Supervisor McDaniel asked how the County would be impacted by more employees moving to the high deductible plan.

Mr. Gordon replied, more people moving to the high deductible plan would positively impact cost reduction as there would be a lower trend of employees going to doctors because the deductible is higher.

Supervisor McDaniel shared that it appeared the County picks up about 86% of the cost of the total premium. He asked if the County has a percentage in place for coverage and if not, he suggested it did.

Mr. Gordon explained that the percentage is adjusted each year.

Supervisor Day asked what the County would be saving the employee if leaving Local Choice and moving to Cigna.

Mr. Suter replied, any change could be an increase.

Mr. Gordon noted that any adjustments could be made to the contribution strategy once renewal numbers are provided by Local Choice.

Supervisor McDaniel asked, should the County move to Anthem or Cigna for self-funded, would the pool then only consist of County employees.

Mr. Gordon replied, yes.

Supervisor McDaniel shared his concern about being self-funded and the pool being so small where one large claim would change numbers for the following year whereas with Local Choice the pool remains much larger.

Mr. Gordon concurred and stated that there would still be re-insurance protection where the large claim would be a stop-loss. He noted that being self-funded would allow the County to capture all of the margins that Local Choice has been capturing.

Supervisor McDaniel asked if there were any neighboring localities or other governmental agencies, such as the schools, who would join the self-funded pool with the County.

Mr. Gordon replied, not right now, but potentially in a year or two.

Mr. Suter advised that there wasn't any action being requested as it was only for discussion purposes but that staff could continue working on this if the Board wished, until the renewal numbers were received from Local Choice.

Chairman Lyons concurred that he would like to see more solid numbers from Local Choice in mid- February.

Supervisor Ayers concurred with Chairman Lyons and added that she would also like to see more information on the buy-out from Local Choice.

Mr. Gordon advised that the renewal date for Local Choice began July 1, 2021. Should the County move to self-funded, he added, Local Choice would not release the buy-out number until late September. He advised that he would work with senior leadership at Local Choice should the Board wish to move forward with self-funded. He added that he was highly confident

that there would not be a buy-out as the County had been subsidizing the Local Choice pool by running so well.

Supervisor Day asked how the County would estimate how much money it should be setting aside if moving to self-funded.

Mr. Gordon replied, One Digital would do that work for the County and would provide monthly reports on how the County is running.

Supervisor Day asked if the County was responsible for ACA reporting.

Mr. Gordon replied, currently Local Choice provides that reporting services; however, if moving to self-funded, it would need to be outsourced.

Chairman Lyons commended Mr. Gordon and his team on behalf of the Board of Supervisors.

County Decal Discussion:

Mr. Suter briefly reviewed the agenda item which included the following information:

"Over the years, on multiple occasions, the Board of Supervisors has considered elimination of the requirement for residents to purchase County decals. Ms. Huffman has previously issued at least five Board reports on the topic, dating back to the mid 2000's. The most recent consideration was in December, 2018, but no action has ever been taken. Ultimately, there has been no change to the decal requirement, though there was a short-term change to the type of decal issued, and there was a change to

the placement location on the windshield, corresponding to a change for inspection stickers.

The interest in making a change has recently been rekindled. County staff, Commissioner of Revenue David Whitesell and Treasurer Betty Trovato have met recently to discuss options again.

Background:

Historically, and to our understanding, the primary purpose of requiring residents to purchase County decals was to provide a source of revenue where each resident vehicle owner was charged a flat rate on vehicles being used by that owner. Additional benefits included:

- A way to help enforce payment of personal property taxes
- Ability to quickly identify a resident of the County - primarily related to waste disposal locations.

Over time, the ability to share information with the Virginia Department of Motor Vehicles (DMV) evolved. All vehicle title changes can now be more easily shared with localities, so that personal property taxes can be accurately tracked and assessed. Similarly, the Treasurer has the ability to place a DMV stop to vehicle registration renewal. The stop is not removed until payment of the outstanding indebtedness to the County is made. However, the annual decal requirement is still a tool that the Treasurer relies on to help ensure fair and equitable tax collection.

Also, the fact remains that for the foreseeable future, the County will still need a method to quickly and accurately identify residents at points of service - mainly at solid waste collection centers (including

the BRRR Landfill), and for the Sheriff's enforcement efforts for improper use of dumpster sites. Additionally, the County relies on the revenue source to support governmental services.

Currently, decal notices are sent to residents in March each year and purchase is due by April 15. In order to provide additional time for the Board to consider options, the current decal deadline is anticipated to be extended until June 30, 2021.

Not all vehicles registered in the County have a decal. Some residents have multiple vehicles, but they may not purchase decals for all. Rather, they are required to purchase decals for only the vehicles which will be used on public roads.

Issues with the current system include:

- From the residents' position
 - o Annual inconvenience of procuring a decal
 - o Difficulty in removing old decals
- From the County's position
 - o Annual task of billing, tracking and enforcing the decal program
 - o Cost of the program
 - Staff time
 - Materials

The current goal is to find a solution which:

- Maintains current levels of revenue at approximately \$535,000 per year
- Provides the ability to quickly and easily identify County residents
- Reduces the amount of time (and money) expended by residents and staff in achieving/maintaining compliance

Staff, Ms. Trovato and Mr. Whitesell have developed a proposal which could meet all the requirements. This option would involve implementation of a permanent decal or other vehicle sticker and increase in current taxes (personal property / real estate, implementation of new taxes (i.e. cigarette, admissions, etc.) or a combination of these, to replace the revenue currently generated by decal fees. State law (applicable section attached) provides for either a decal or a sticker.

Suggested implementation steps:

- January 2021 - Extend vehicle decal deadline to June 30, 2020, with intention to transition to a permanent decal, due on that date.
- February 2021 - Consider and determine whether to utilize a permanent decal or window sticker to identify vehicles owned by residents.
Advertise and conduct a public hearing to consider an ordinance as such.
- April 2021 - In lieu of the annual decal purchase notice sent to vehicle owners, County Treasurer Betty Trovato sends a no-fee permanent decal or sticker, to be applied to windshields by June 30, 2021. After sending the initial batch of decals, Ms. Trovato would transfer administration of the permanent decal program to Commissioner of Revenue David Whitesell, who would provide each new vehicle registrant with a no-fee permanent decal or

sticker. His office will also be able to replace decals or stickers which have been damaged or aged.

- March - April 2021 - The Board considers and implements alternative sources of revenue for FY2022 and beyond.

There are several considerations for the Board should this proposal be implemented:

- Revenue anticipated for the current fiscal year (2021) will not be realized, as decals would not be sold. Up to \$535,000 of anticipated general fund surplus can be dedicated to this one-time replacement. Again, the Board will need to determine the ongoing source of revenues for 2022 and beyond.
- The new, permanent decal or sticker would remain on a vehicle as long as it is owned by a County resident. Upon sale, it would be removed. The proposed ordinance would prohibit a non-resident from using a decal or sticker to access County services such as collection centers.
- Upon purchase of a vehicle, a County resident would obtain a permanent decal or sticker from Mr. Whitesell's office at no charge.
- We would need to ensure coordination with the Towns of Glasgow and Goshen, which also currently require decal purchase. Should they wish to follow suit, they could issue a similar, permanent decal, or in some other way provide a visible symbol of residency to access County services such as collection centers or the BRRA Landfill."

Chairman Lyons asked if this would put a lot of extra work on the Treasurer or Commissioners staff.

Mr. Whitesell replied, the work load would not be a problem but he would see an increase in postage fees.

Supervisor Ayers asked if there would be a reduction in staffing if no longer issuing the annual purchase of decals.

Mr. Whitesell replied, not in his office.

Mr. Suter replied that decal season is only about a 6-week process. He added that staff in the Treasurers department could use that time to seek outstanding revenues.

Chairman Lyons asked if there could be an increase to the personal property tax to make up for the decal fee.

Supervisor McDaniel replied, that is an option but does not feel it is a fair option because the percentage on personal property is based on the value of the vehicle.

Mr. Whitesell concurred that there would be some unfairness by raising the tax rate to make up for the lost revenue.

Chairman Lyons asked if a set \$25 could be added to personal property bills.

County Attorney Vickie Huffman replied that there is authority to eliminate the decal itself but still charge the decal fee. She added that it would be a separate item that could be billed on the personal property

bill but had to be designated as a decal fee and not just a flat sum added on top of personal property.

Mr. Whitesell stated that in doing so, there will be an issue and more work on his staff when a citizen comes to the Treasurer to pay the decal fee. He noted that a vehicle or vehicles not registered on the road did not need the decal. At that time, he continued, that citizen would need to talk with his department to do an abatement of the vehicle or vehicles not needing the decal. Mr. Whitesell noted that those vehicles would still be taxed but because they were not on the road the decal fee would not be required. He added that the work load on the Treasurers department would be decreased but the work load on his department would increase.

Supervisor Lewis asked Mr. Whitesell if his department is already doing that work in the current system.

Mr. Whitesell replied, no, adding that the Treasurer sends out a list, not a bill, to citizens showing personal property. Because it is not a bill, he noted, individuals do not come to his office for abatements, they just tell the Treasurer what vehicles need the decal. Mr. Whitesell clarified that all personal property listed will be taxed, but not all need the decal if not on the road.

Chairman Lyons asked Mr. Whitesell and Ms. Trovato if they had a suggestion on the best way to do this.

Mr. Whitesell replied, using the Admissions Tax to cover the lost revenue.

Supervisor Ayers shared her concern about using the Admissions Tax to replace an existing tax currently in place. She added that she thought the Admissions Tax would cover current needs, for example an Economic Development Director's salary. She shared that she felt it would be fair for some to pay less than the \$25 decal fee for a vehicle that is accessed lower and for some to pay more than the \$25 fee for a more expensive vehicle. She stated that she was not interested in losing revenue right now nor replacing the lost revenue with the Admissions or Cigarette Tax. Supervisor Ayers then noted that, until current illegal dumping at open-dumpster sites are controlled, she could not see eliminating the decal as it is proof of residency County residents.

Supervisor Lewis noted that 85% or more of the jurisdictions in the state of Virginia do not issue decals.

Supervisor Ayers added that maybe those jurisdictions did not have open-dumpsters and did not have illegal dumping.

Ms. Trovato stated that she had previously mentioned the idea of increasing the tax on the highest valued vehicle to cover the \$25 fee as well as increasing the tax on other items listed under personal property such as boats and trailers that do not currently receive a decal. She added that utilizing this idea as well as increasing the real estate tax roughly one penny could potentially cover the lost revenue.

Supervisor Day shared his disagreement in even considering this noting how hard it is to bring back a tax in some way or form when it was eliminated. He added that the Admissions and Cigarette Taxes should be going toward future expenses. He further shared his disagreement with

eliminating a decal followed by issuing a different decal to visit collection sites. He asked why change what is working fine right now.

Supervisor Lewis replied that citizens are complaining about the decal.

Supervisor McDaniel asked Chairman Lyons if the Board could revisit this at the next meeting or his designated time at another Work Session because there seems to be more issues that need to be discussed.

Chairman Lyons concurred noting that during the regular meeting to follow at 5:30 p.m., the Board would need to extend the decal purchase deadline. He added that the Board was far from finishing the discussion.

Supervisor McDaniel agreed with extending the deadline given the current COVID-19 situation. He added that things to be considered at the next discussion should be, can we make up the lost revenue, have staff provide exact numbers of lost revenues, and how to make up the lost revenue if you do not cut expenses in some way.

Chairman Lyons closed the Work Session at approximately 5:30 p.m.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, JANUARY 25, 2021 AT 5:30 P.M.

BOARD MEMBERS PRESENT: D. E. LYONS
R. W. DAY
A.J. "JAY" LEWIS, II.
L.E. AYERS (virtually)
D.B. MCDANIEL

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lyons called the meeting to order at 5:30 p.m.

Administrative Assistant to the County Administrator Brandy Whitten conducted a roll call of the Board members. Supervisors Lewis, Day, McDaniel, and Lyons attended in-person, while Supervisors Ayers, attended virtually.

Supervisor Lewis offered an invocation for anyone who wished to participate.

The Board then led in the Pledge of Allegiance.

Chairman Lyons advised of the following announcements:

"While the room will be open to the public, due to the size of the meeting room and social distancing requirements, no more than 10 attendees

other than County staff will be allowed into the room at one time. Per the Governor of the Commonwealth of Virginia Executive Order 63, all persons over the age of five, that do not have a precluding medical condition, are asked to wear a face covering.

We will hold citizens comments near the beginning of the meeting. There are several Public Hearings at 6:00 P.M.

We will do our best to take citizen comment remotely. There are two options for citizens to offer comment:

- 1) To join by Telephone, you may dial in to one of the numbers listed on the County Website. Webinar ID and Password are there for your convenience. Citizens wishing to simply view the meeting live or after the fact can do so on the Rockbridge County Board of Supervisors YouTube Channel, also available on the County website.
- 2) If you wish to make a citizen comment as a Zoom meeting participant, you will use the "Raise your Hand" feature. You can press the "Raise Hand" button on the bottom of your Zoom window, or press *9 if you are calling in by telephone."

Changes to the Agenda:

There were none.

Recognitions and Presentations:

There were none.

Citizens Comments:

There were none.

Approval of the January 11, 2021 Minutes:

Chairman Lyons noted one change, the name change of a committee under committee appointments.

Supervisor McDaniel moved to approve the minutes, as amended.

Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Day, Lewis, Ayers, Lyons
Nays: None
Absent: None
Abstain: None

Consideration of School Appropriation Resolution:

Fiscal Services Director Steven Bolster presented the School's Appropriation Resolution and recommended approval as presented.

Supervisor McDaniel moved to approve the resolution. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Day, Lewis, Ayers, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, JANUARY 25, 2021 AT 5:30 P.M.

On motion by Supervisor McDaniel, seconded by Supervisor Ayers, the Board, by record vote adopted the following appropriation resolutions:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby are made, for the period ending **June 30, 2021** in **FUND 50, SCHOOL FUND** and expended as follows:

FY 2020 Carryover CIP Projects

School CIP Projects

4-50-66200-8100-350-001-000 MRMS Field Upgrade.....	<u>\$50,300.00</u>
Total	\$50,300.00

TOTAL FUND 50 APPROPRIATIONS	\$50,300.00
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Discussion of the Admissions Tax:

County Administrator Spencer Suter briefly reviewed the agenda item which included the following information:

"In the 2020 legislative session, SB588ER2 was approved to equalize the authority of counties to that of cities and towns for food and beverage taxes, transient occupancy taxes, admissions taxes and cigarette taxes. Effective July 1, 2020, Rockbridge County had authority to impose Admissions tax, not-to-exceed 10% of the admission charge.

The Board adopted the tax, at the rate of 10% per admission charge, effective August 1, 2020. Subsequently, the tax was repealed in response to business-owner and non-profit concerns related to the rate and the current business environment due to the pandemic.

The Finance Committee, David McDaniel and Jay Lewis, met with business and non-profit representatives to discuss the implications and impacts of implementing the admissions tax. The current draft Ordinance (attached) represents the Committee's recommendations.

The proposed Ordinance provides for imposition of the tax at the rate of 3% per charge for the first year, beginning January 1, 2022. Beginning January 1, 2023, and extending through December 31, 2023, the rate would increase to 6% per admission charge. Effective January 1, 2024, and continuing thereafter, the rate would be 10% per charge. Any admission tax would be capped at \$3.00 per charge.

The proposed Ordinance also includes the following exemptions:

- (1) Admissions charged for attendance at public and private elementary, secondary, and college school-sponsored events, including events sponsored by school-recognized student organizations; and,
- (2) Admissions charged to participants in order to participate in sporting events.

The tax is collected by the operator of the event or business from the customer and is held in trust until paid to the County. Returns are filed with the Commissioner of the Revenue.

Determinations as to whether the tax applies to a specific event, series of events, or business is within the purview of the Commissioner of the Revenue. However, generally speaking, the tax would not be imposed on purchase of a meal or product, but would be imposed on any admission charge for entry to an event, occasion or business. A non-exclusive list

of examples is included in Section 25-242 of the Ordinance. For those who have questions, an application for a pre-determination may be filed with Commissioner of the Revenue Whitesell.

FISCAL IMPACT:

There is no history with this tax to provide an accurate estimate of the revenue that may be generated. However, some examples of the amount of tax that may be generated for the 2022 calendar year, at the 3% tax rate, are as follows:

- Virginia Safari Park: adult (13-64) ticket price of \$25.95 results in a \$.78 tax
- Natural Bridge Zoo: adult (13-64) ticket price of \$16.00 results in a \$.48 tax
- Natural Bridge Caverns: adult cavern tours at \$21.75 results in a \$.65 tax
- Dinosaur Kingdom II: ages 13+ at \$12.00 results in a \$.36 tax
- Hulls Drive-in Theater: double feature night of \$20.00 per car results in \$.60 tax"

Supervisor McDaniel encouraged public comment during the public hearing.

Supervisor Lewis advised that ideas from the committee had been incorporated in the new proposal. In regard to the cap, he advised that County Attorney Vickie Huffman had researched other jurisdictions to see if they had a cap and only found one.

Ms. Huffman concurred that she had only found one (1) jurisdiction, Alexandria, which had a .50 cent cap.

Supervisor McDaniel advised that future Boards could change what this Board is proposing at any given time.

Supervisor Ayers asked, if this were the case, why this Board would be considering years two and three.

Supervisor Day asked if the Commissioner of the Revenue was okay with the proposal.

Supervisor Lewis replied, he is aware of the proposal and the concept.

Mr. Suter advised that he had had spoken with Mr. Whitesell.

Chairman Lyons commended the committee for the plan presented and encouraged moving ahead with scheduling a public hearing.

Supervisor McDaniel noted that this opportunity was provided by the State as a means of making up for lost revenues from the State.

Supervisor Lewis moved to schedule a public hearing for February 8th. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, McDaniel, Ayers, Day, Lyons
Nays: None
Absent: None
Abstain: None

Consideration of Resolution to Extend County Decal Deadline:

Supervisor McDaniel moved to adopt the resolution as presented.

Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Lewis, Ayers, Day, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JANUARY 25, 2021

RESOLUTION TO EXTEND THE DUE DATE TO JUNE 30, 2021, FOR PAYMENT OF 2021 MOTOR VEHICLE LICENSE TAX AND DISPLAY OF COUNTY LICENSE DECAL

WHEREAS, pursuant to Rockbridge County Code Chapter 25 in Article IV - Motor Vehicle License Tax, every person owning, or having in his/her custody or under his/her control, a motor vehicle that is normally garaged, stored, or parked within the boundaries of Rockbridge County, is required to purchase a County license decal for such motor vehicle and pay the applicable license tax thereon, on or before April 15th of each year; and,

WHEREAS, in 2020, due to the on-going public health threat presented by COVID-19 and the declared state of emergency, the Board of Supervisors of Rockbridge County extended the deadline for payment of the motor vehicle license tax, also known as the County decal tax, to June 15, 2020; and,

WHEREAS, conditions continue to exist such that there is a threat to the public health, safety and welfare of the residents of Rockbridge County, and the severity and magnitude constitutes an on-going state of emergency and disaster; and,

WHEREAS, under Va. Code §58.1-3916, a governing body is authorized to grant reasonable extensions of time, not to exceed 90 days, for the payment of local taxes, whenever good cause exists; and,

WHEREAS, the Board of Supervisors finds that good cause exists for extension of the time for payment of the motor vehicle license tax, also known as the County decal tax, until June 30, 2021.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Rockbridge, Virginia, as follows:

1. That the date for payment of the 2021 motor vehicle license tax, also known as the County decal tax, and for displaying the decal is hereby extended from April 15, 2021, to **June 30, 2021**, said extension representing a one-time amendment, for the current year only, of Rockbridge County Code Chapter 25 in Article IV - Motor Vehicle License Tax. The license tax year shall begin on the sixteenth (16th) day of June, 2021, and shall expire on the fifteenth (15th) day of April, 2022. The provisions for penalty provided in County Code §25-106 shall apply to any motor vehicle license tax and display of the decal after June 30, 2021.

2. That all other provisions of Rockbridge County Code Chapter 25 in Article IV - Motor Vehicle License Tax shall remain in full force and effect. This action shall have no impact upon prior delinquencies.

3. Taxpayers are encouraged to use the U.S. Mail for payment of the tax for purchase of decals.

4. That this Resolution shall be effective on and from the date of its adoption.

Adopted this 25th day of January, 2021.

Appointments:

Agricultural and Forestal Districts Advisory Committee- 3 Year Terms-

Current Terms Expired 1/12/2021:

Supervisor McDaniel moved to nominate Scott Hannah to serve on the Agricultural and Forestal Districts Advisory Committee in place of Reba Heizer who resigned. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Ayers, Day, Lewis, Lyons
Nays: None
Absent: None
Abstain: None

Supervisor Day moved to reappoint the following members to remain serving on the Agricultural and Forestal Districts Advisory Committee:
Toni Brown, Richard Clemmer, Jay Lewis, Chuck Conner, John Houser, Hunter McClung, Dave Lupsha, Bernard Watts, and David Whitesell. Supervisor

McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, McDaniel, Ayers, Lewis, Lyons
Nays: None
Absent: None
Abstain: None

Rockbridge Regional Jail Commission- Glasgow Representative:

This appointment was carried over.

Building Code Board of Appeals- Richard Siler- Term Expired

7/13/2020:

Supervisor McDaniel moved to nominate John Hostetter to serve on the Building Code Board of Appeals. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Day, Lewis, Ayers, Lyons
Nays: None
Absent: None
Abstain: None

Douglas and Jo Anna Harris (Alphin Lane) - Application for an amendment to an existing Special Exception Permit - Kennel in the Agricultural Transitional (A-T) Zoning District:

Director of Community Development Chris Slaydon presented a PowerPoint presentation detailing the following information as shown in the agenda item:

"Douglas and Jo Anna Harris have made an application to amend an existing Special Exception associated with the existing kennel located 272 Alphin Lane, Lexington Virginia 24450. The property is further identified as tax map numbers 61-3-7 (.756 acres per tax records) and 61-3-8 (.561 acres per tax records). The property is located in the Agricultural Transitional (A-T) Zoning District and per section 603B-03-4 of the Regulations, commercial kennels are a use by special exception. Per section 302-116, a kennel is defined as" Any location where raising, grooming, caring for or boarding of dogs, cats, or other small animals for commercial purposes is carried on." The original special exception permit and associated conditions were approved by the Board of Supervisors on April 23, 2018. Conditions associated with the current special exception permit limited the use to dog grooming and training, with no more than four dogs allowed on the property at one time for grooming and not more than two dogs allowed on the property at one time for training. The current conditions also prohibit overnight boarding and limit the hours of operation to 8:00 a.m. through 6:00 p.m.

The purpose of the pending application is to amend the existing special exception permit to allow for the overnight boarding of dogs and cats and to increase the number (and type) of animals permitted. Per the written description of plans, the Harris' would like the ability to provide overnight boarding of dogs and cats and increase the number of dogs, and expand the services to include cats to a total of six dogs and/or cats for grooming or training at one time.

On January 13, 2021 the Planning Commission held its Public Hearing and has recommend approval with the following conditions.

- 1) The business shall be limited to grooming, training, and overnight boarding for dogs and cats.
- 2) No more than a total of five (5) dogs and/or cats allowed on the property at one time for overnight boarding.
- 3) No more than a total of six (6) dogs and/or cats allowed on the property at one time for grooming or training at one time.
- 4) The hours of operations for the grooming and training services shall be limited to 8:00 a.m. through 6:00 p.m."

Applicant Jo Anna Harris was available electronically for questions.

Supervisor Ayers asked Ms. Harris where the waste and wastewater went.

Ms. Harris explained that her property was hooked up to the City's (PSA's) sewage lines.

Chairman Lyons opened the public hearing at 6:08 p.m. There were no comments. Chairman Lyons closed the public hearing at 6:09 p.m.

Supervisor Lewis asked Mr. Slaydon to clarify how many animals were allowed at a given time.

Mr. Slaydon replied, 11 max.

Supervisor Ayers asked if there were any neighbors who reached out for comment.

Ms. Harris replied, there were no comments by neighbors.

Supervisor Lewis asked if the neighbor across the street was notified.

Ms. Harris replied, yes.

Supervisor Ayers asked Ms. Harris how she planned to handle a very noisy dog.

Ms. Harris replied, the dog would be inside with her.

Supervisor Lewis moved to adopt the ordinance as presented.

Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, McDaniel, Ayers, Day, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, JANUARY 25, 2021

Ordinance Granting an Amended Special Exception Permit to Douglas L. Harris and Jo Anna M. Harris to Operate a Commercial Kennel on Their Property Per Section 603B.03-4 of the Land Development Regulations in the Agricultural Transitional District (A-T), Located at 272 Alphin Lane in the Walkers Creek Magisterial District, Identified as Tax Map # 61-3-7 and # 61-3-8

WHEREAS, by Ordinance adopted on April 23, 2018, the Board of Supervisors changed the zoning classification, from General Business District (B-1) to Agricultural Transitional District (A-T), of two parcels of land, containing a total of 1.35 Acres (Tax Map #61-3-7 and # 61-3-8), located on the north side of Alphin Lane in the Walkers Creek Magisterial District of Rockbridge County, and owned by Douglas L. Harris and Jo Anna M. Harris; and,

WHEREAS, by subsequent Ordinance adopted on April 23, 2018, Douglas L. Harris and Jo Anna M. Harris were granted a Special Exception Permit to operate a dog grooming and training business on said property per Section 603B.03-4 of Rockbridge County Land Development Regulations; and,

WHEREAS, Douglas L. Harris and Jo Anna Harris, the applicants and owners, have filed an application to amend the Special Exception Permit to amend the conditions to allow for operation of a commercial kennel for dogs and cats, including overnight boarding, as well as grooming and training; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on the application on January 13, 2021, and recommended approval with the conditions in Exhibit A attached hereto; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on January 25, 2021; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicants, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that, with the specified conditions, the proposed use is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the Board of Supervisors finds that the granting of an amended special exception permit to Douglas L. Harris and Jo Anna M. Harris to operate a commercial kennel on their property,

containing a total of 1.317 acres, more or less, located at 272 Alphin Lane, identified as Tax Map #61-3-7 and #61-3-8, in the Walkers Creek Magisterial District, in the Agricultural Transitional District (A-T), is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said amended special exception permit is hereby granted and approved with and subject to the conditions as set forth on Exhibit A attached hereto and incorporated herein.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of thereof in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed; specifically, this Ordinance shall supersede and be in lieu of the Ordinance adopted on April 23, 2018, granting a special exception permit to Douglas L. Harris and Jo Anna M. Harris to operate a dog grooming and training business, which shall be deemed null and void from this date.

Adopted this 25th day of January, 2021.

EXHIBIT A
AMENDED SPECIAL EXCEPTION PERMIT CONDITIONS
Douglas L. Harris and Jo Ann Harris

1. The business shall be limited to grooming, training and overnight boarding for dogs and cats.
2. No more than a total of five (5) dogs and/or cats allowed on the property at one time for overnight boarding.
3. No more than a total of six (6) dogs and/or cats allowed on the property at one time for grooming or training.
4. The hours of operations for grooming and training services shall be limited to 8:00 a.m. through 6:00 p.m.

Rockbridge Famers Cooperative Inc. (Yellow Rail Lane) - Application for an amendment to an existing Special Exception Permit - propane storage facility in the General Business (B-1) Zoning District:

Mr. Slaydon presented a PowerPoint presentation detailing the following information as shown in the agenda item:

"Mr. Wilson Whitmore, General Manager of the Rockbridge Farmers Cooperative Inc. 33 Yellow Rail Lane, Lexington, Virginia, 24450, applying for an amendment to an existing special exception permit in order to add two 30,000-gallon propane storage tanks. The property is further identified as tax map number 62-A-36 (4.424 acres per tax records). The property is located in the General Business (B-1) Zoning District and per section 605.03-17 of the Regulations, propane storage facility greater than five hundred (500) gallons are a use by special exception. The original special exception permit and associated conditions were approved by the Board of Supervisors on June 23, 1997. Conditions associated with the current special exception permit include planting a staggered, double row of five-foot white pines along the drive-in property line, security lighting directed down so as not to impact the Drive-in, and landscaping consistent with the corridor study as shown on the site plan prepared by Blackwell Engineering, but not intended to screen the front of the facility.

The facility currently has two (2) 30,000-gallon propane storage tanks and the purpose of the pending application is to add two (2) additional 30,000-gallon propane storage tanks to the site, for a total of four (4) 30,000-gallon tanks. Due to the timing of the project and scheduled delivery date, one additional tank is currently on site, but will not be operational until the Coop obtains approval of the pending application. The current plan is for the fourth tank to be installed within the next two years.

On January 13, 2021 the Planning Commission held its Public Hearing and has recommended approval with the following conditions.

- 1) Substantial compliance with plan prepared by Blackwell engineering, dated December 2020.
- 2) The fourth 30,000-gallon propane tank to be installed within two years of the date of the approval.
- 3) Existing landscaping to be maintained in health condition."

Jason Black, Controller for the Rock Farmers' Cooperative, was available virtually to answer questions.

Chairman Lyons opened the public hearing at 6:19 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor McDaniel asked if the plan was for two, only one being installed right now.

Mr. Slaydon concurred.

Supervisor Lewis commended the Co-op for doing business with the County and expanding the infrastructure.

Supervisor Lewis moved to adopt the ordinance as presented.

Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, McDaniel, Ayers, Day, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON MONDAY,
JANUARY 25, 2021

Ordinance Granting an Amended Special Exception Permit To Rockbridge Farmer's Cooperative, Inc., for Revised Conditions to Add Two 30,000-Gallon Propane Tanks in the General Business District (B-1), Located At 77 Yellow Rail Lane in the Walkers Creek Magisterial District, Identified as Tax Map #62-A-36

WHEREAS, on June 23, 1997, the Board of Supervisors granted a Special Exception Permit, with associated conditions, to the Rockbridge Farmer's Cooperative, Inc., for two (2) 30,000-gallon propane storage tanks in the General Business District (B-1) on its property, containing 4.424 acres, more or less, located at 77 Yellow Rail Lane in the Walkers Creek Magisterial District, identified as Tax Map #62-A-36; and,

WHEREAS, the Rockbridge Farmer's Cooperative, Inc., the applicant and owner, has filed an application for amendment to the Special Exception Permit to allow two (2) additional 30,000-gallon propane storage tanks on its property, for a total of four (4) 30,000-gallon tanks; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on the application on January 13, 2021, and recommended approval with the conditions in Exhibit A attached hereto; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on January 25, 2021; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicants, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that, with the specified conditions, the proposed use is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the Board finds that the granting of an amended special exception permit to the Rockbridge Farmer's Cooperative, Inc., to allow a total of four (4) 30,000-gallon propane storage tanks on its property containing 4.424 acres, more or less, located at 77 Yellow Rail Lane, in the Walkers Creek Magisterial District, identified as Tax Map #62-A-36, in the General Business District (B-1), is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said amended special exception permit is hereby granted and approved, with and subject to the conditions as set forth on Exhibit A attached hereto and incorporated herein.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts thereof in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed; specifically, this Ordinance shall supersede and be in lieu of the special exception permit granted to the Rockbridge Farmer's Cooperative, Inc., on June 23, 1997, which shall be deemed null and void from this date.

Adopted this 25th day of January, 2021.

EXHIBIT A

AMENDED SPECIAL EXCEPTION PERMIT CONDITIONS

Rockbridge Farmer's Cooperative, Inc.

1. Substantial compliance with plan prepared by Blackwell Engineering, dated December 2020.
2. The fourth 30,000-gallon propane tank to be installed within two years of the date of the approval.
3. Existing landscaping to be maintained in healthy condition.

David Rabern (Old Chapel Road) - Application for a Special Exception Permit to develop a private noncommercial landing strip in the Agricultural and General Uses (A-2) Zoning District:

Mr. Slaydon presented a PowerPoint presentation detailing the following information as shown in the agenda item:

"Mr. David Rabern, 665 Old Chapel Road, Fairfield, Virginia 24435, applying for a special exception permit to develop a private, non-commercial landing strip on the property. The property is further identified as Tax Map number 50-A-58 (163.339 acres Per tax records). The property is located in the Agricultural and General Uses (A-2) Zoning District and per section 603.03-4 private, non-commercial landing strips are a use by Special Exception. The proposed landing strip is located on the western portion of the parcel. In addition to tax map number 50-A-58, David and Susan Rabern own an additional 92.242 acres to the east.

As described in the written description of plans, the proposed landing strip is a one-way strip, meaning that the aircraft will land and then the aircraft will be turned around a takeoff in the same direction.

The approach will be from the east to the west, then the aircraft will turn around and depart to the east. The grass field outline is approximately 120' from the property line to the west and the proposed landing strip is approximately 200' from the property line. The distance from the edge of the proposed landing strip to the eastern property line is approximately one mile. Meaning the takeoff and landing will be over the Rabern properties.

Mr. Rabern has stated that the landing strip will be primarily be utilized by one aircraft but has requested that the permit includes permission for a second aircraft on the proposed landing strip.

Per section 714.08, all proposed sites shall be reviewed by the Federal Aviation Administration, the Virginia Department of Aviation, and the Virginia Department of Transportation. In an email from Mr. Alton Jordan, Airport Engineer, Security & Facilities Section with the Virginia Department of Aviation he stated that "Per the Code of Virginia, 24VAC5-20-170. Private Airports or Landing Areas., the Department of Aviation only regulates the registering and/or license of a private landing area (i.e. airport, heliport, seaplane base) within the Commonwealth. We do not have the jurisdiction to approve or deny aircraft operation, as airspace is regulated federally and therefore final determination is fulfilled by an aeronautical study conducted by the Federal Aviation Administration (FAA) under the provisions of Title 14 of the Code of Federal Regulations, Part 157. The final analysis is provided to the said owner as a "Notice of Airport Airspace Analysis Determination" by the FAA.

Based on my experience and brief review, I don't have any objection to the requested flight pattern or approach presented by Mr. Rabern. The Department of Aviation will however yield to final approval by the FAA." Any approvals will be contingent on FFA approval.

Per Section 714.13, the following factors may be considered in determining whether to issue the Special Exception Permit:

- (1) Number of expected users and aircraft, and type of aircraft.
- (2) Flight paths.
- (3) Setbacks from property lines.
- (4) Proximity of the landing strip to residential or historic structures and residential or historic district boundaries.
- (5) Nature of the uses on adjacent and nearby properties.
- (6) Surrounding topography.
- (7) Surrounding tree coverage and foliage.
- (8) Design of the hangar and fuel storage area, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness or susceptibility to flooding.
- (9) Proposed ingress and egress.
- (10) Consistency with the Comprehensive Plan and the purposes to be served by zoning.
- (11) Length of time of permit.

On January 13, 2021 the Planning Commission held its Public Hearing and has recommended approval with the following conditions:

1) No more than two (2) planes are permitted on the ground at any given time.

2) The location of the landing strip is shown below, with the landing strip being no closer than 200' to the property to the west (TM# 50-A-55).

3) The landing strip is limited to 1200' in length and 300' in width.

4) The approach to the landing strip shall be from the east to the west and takeoffs shall be from the west to the east as shown on the plan."

Mr. Slaydon advised that two (2) neighboring property owners had sent in comments that were forwarded to the Board. Those comments were made by Brian Hornbeck and Alton Jarvis and were answered.

Applicant David Rabern was available electronically to answer questions and to provide an overview of the application.

Supervisor Ayers inquired about fuel storage.

Mr. Rabern replied that there would not be any fuel storage.

Chairman Lyons opened the public hearing at 6:38 p.m.

Brian Hornbeck participated electronically and shared his satisfaction with the application.

Chairman Lyons closed the public hearing at 6:39 p.m.

Supervisor McDaniel asked if there would be any lighting.

Mr. Slaydon confirmed there would not be lighting.

Supervisor McDaniel then asked for the distance to the next property.

Mr. Slaydon replied, 200'.

Supervisor McDaniel asked if there were trees along the property line and what would happen if Mr. Rabern overshot the field.

Mr. Slaydon replied there are some trees.

Mr. Rabern also replied that the trees would stop the plane.

Supervisor Day asked if there were time limitations for using the landing strip.

Mr. Slaydon replied, during daylight hours.

Supervisor Lewis moved to adopt the ordinance as presented.

Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, Day, Ayers, McDaniel, Lyons

Nays: None

Absent: None

Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
JANUARY 25, 2021

Ordinance Granting a Special Exception Permit to David W. Rabern for a Private, Non-Commercial Landing Strip in the Agricultural and General Uses District (A-2) on Property Located at 665 Old Chapel Road, Fairfield, Virginia, and Identified as Tax Map #50-A-58 in the Walkers Creek Magisterial District

WHEREAS, David W. Rabern has filed a petition for a special exception permit to develop a private, non-commercial landing strip in the Agricultural and General Uses District (A-2) on property owned by David W. Rabern and Susan J. Rabern, containing 163.339 acres, more or less, located on the west side of Old Chapel Road (Route 717), approximately .73 mile east of its intersection with Mount Atlas Road (Route 716), at 665 Old Chapel Road, Fairfield, Virginia, and identified as Tax Map #50-A-58, in the Walkers Creek Magisterial District; and,

WHEREAS, the Planning Commission held a public hearing on this matter on January 13, 2021, and recommended approval with the conditions in Exhibit A attached hereto; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on January 25, 2021; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, and consideration of the factors in Section 714.00 for Landing Strips, finds and determines that, with the specified conditions, the proposed use is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the Board of Supervisors finds that the granting of a special exception permit to David W. Rabern for a private, non-commercial landing strip in the Agricultural and General Uses District (A-2) on property owned by David W. Rabern and Susan J. Rabern, containing 163.339 acres, more or less, located on the west side of Old Chapel Road (Route 717) at 665 Old Chapel

Road, Fairfield, Virginia, and identified as Tax Map #50-A-58, in the Walkers Creek Magisterial District, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby authorized and approved, subject to the conditions of Section 714.00 of the Rockbridge County Land Development Regulations, and further with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed.

Adopted this 25th day of January, 2021.

EXHIBIT A

SPECIAL EXCEPTION PERMIT FOR PRIVATE, NON-COMMERCIAL LANDING STRIP

Owners: DAVID W. RABERN & SUSAN J. RABERN

Applicant: DAVID W. RABERN

- 1) No more than two (2) planes are permitted on the ground at any given time.
- 2) The location of the landing strip is shown below, with the landing strip being no closer than 200' to the property to the west (TM# 50-A-55).
- 3) The landing strip is limited to 1200' in length and 300' in width.
- 4) The approach to the landing strip shall be from the east to the west and takeoffs shall be from the west to the east as shown on the plan.

JBLN Investments LLC (Thoroughbred Circle) - Application for an amendment to existing proffers associated with a conditional rezoning in the Residential Mixed (R-2) Zoning District:

Mr. Slaydon presented a PowerPoint presentation detailing the following information as shown in the agenda item:

"Mr. Brasil Hamrick, JBLN Investments LLC, P.O. Box 103 Mt. Sidney, Virginia 24467, has made an application for an amendment to proffers associated with a previously approved conditional rezoning in order to continue to develop a cluster subdivision for single-family dwellings lots. The property is further identified as tax map number 62-33-22 (8.608 acres per tax records). The property is located on the northside of the intersection of Thoroughbred Circle (Route 750) and Valley Pike (Route 645). Access to the property is off of the private portion of Thoroughbred Circle, approximately .22 miles from the intersection of Valley Pike (Route 645) and Thoroughbred Circle. The property is in the Residential Mixed (R-2) Zoning District and was conditionally rezoned with acceptance of proffers. The original conditional rezoning was approved by the Board of Supervisors on February 23, 2009. The 2009 proffered plan included multifamily development and the access included a loop road. The pending application reduces the number of multifamily units and includes 25 lots for single-family dwellings. Access to the single-family dwellings will be off of the northern entrance off of Thoroughbred Circle and will terminate at a cul-d-sac. Last year, the top layer of asphalt was installed to Thoroughbred Circle. The developer and staff have been in conversations with VDOT on the final steps required to bring the existing road in to the

state system. The road to the proposed cluster subdivision will be designed and incorporated into the state system. On January 13, 2021 the Planning Commission held its Public Hearing and has recommended approval with the acceptance of the submitted proffer statement.”

Applicant Brasil Hamrick was present to answer questions.

Supervisor Day asked if there were any concerns raised for one-way entrance and exit.

Mr. Hamrick replied, no sir, and added that there weren't any traffic issues.

Chairman Lyons opened the public hearing at 6:55 p.m. There were no comments. Chairman Lyons closed the public hearing at 6:56 p.m.

Supervisor Day moved to adopt the ordinance as presented. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, McDaniel, Ayers, Lewis, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, JANUARY 25, 2021

Ordinance to Amend Proffered Conditions to a Prior Conditional Rezoning to Residential Mixed (R-2), With Conditions, Previously Amended by Ordinance Adopted February 23, 2009, for an 8.608-Acre Parcel of Land (portion of Tax Map No. 62-33-22) Owned By JBLN Investments, LLC, Located on the North Side of the Intersection of Thoroughbred Circle and Valley Pike Road in the Walkers Creek Magisterial District

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on January 13, 2021, and recommended to the Board of Supervisors that the zoning classification, with acceptance of amended proffered conditions, be approved; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors held a public hearing on this matter on January 25, 2021; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning, with amended proffered conditions, of the subject 8.608-acre parcel of land would generally promote the health, safety, convenience and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the amendment to the proffered conditions, from townhomes to detached single-family dwellings for a portion of the subject property, for the conditional zoning classification Residential Mixed District (R-2), with the proffer amendment approved by Ordinance adopted on February 23, 2009, for a certain parcel of real estate containing 8.608 acres, identified upon the Rockbridge County Land Records as a portion of Tax Map No. 62-33-22, located on the north side of the intersection of Thoroughbred Circle (Route 750) and Valley Pike (Route 645), in the Walkers Creek Magisterial District of Rockbridge County, and shown on a Preliminary Plat entitled 'JBLN INVESTMENTS, LLC' dated February 24, 2013, and revised January 12, 2021, a copy of which is attached hereto as Exhibit A and incorporated herein, is hereby authorized and approved, with and subject to the amended conditions voluntarily proffered in writing by the property owner, as set forth on Exhibit B attached hereto and incorporated herein, and which the Board of Supervisors hereby accepts.

2. That this action is taken upon the application of the property owner, JBLN Investments, LLC.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator

is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 25th day of January, 2021.

Board Comments:

Chairman Lyons reminded the Board of the upcoming Budget Meeting on February 3rd at 5:30 p.m. and the next regular meeting would be February 8th. Chairman Lyons suggested reaching out to individual agencies which will be presenting their budgets on February 3rd and let them know they are welcome to attend the meeting in person, but are not required. If participating electronically, Chairman Lyons noted, they should have a camera so the Board can see who they are speaking to.

Supervisor McDaniel shared that there are concerns about the issues with disbursement of the COVID-19 vaccine and asked for Dr. Kornegay with the VDH to present an update.

Chairman Lyons advised that the Health Center will be distributing the vaccine.

Mr. Suter advised that it was a supply issues on a Federal level getting them to the State.

Adjournment:

Supervisor McDaniel moved to adjourn. Supervisor Day provided the second, and the motion carried by unanimous vote by the Board:

Ayes: McDaniel, Day, Ayers, Lewis, Lyons

Nays: None
Absent: None
Abstain: None